

**INITIATIVE AMENDMENTS**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jason B. Kyle**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies provisions relating to a statewide initiative.

**Highlighted Provisions:**

This bill:

- ▶ contingent on the passage of a constitutional amendment, modifies the vote percentage required to pass a statewide initiative that would impose a new tax or increase a tax rate;
- ▶ modifies requirements for a statewide initiative application and a fiscal impact statement in relation to funding a law proposed by initiative; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides a special effective date.

**Utah Code Sections Affected:**

AMENDS:

**20A-1-303**, as last amended by Laws of Utah 2018, Chapter 187

**20A-4-304**, as last amended by Laws of Utah 2023, Chapters 15, 297 and 435

**20A-7-202**, as last amended by Laws of Utah 2023, Chapter 107

**20A-7-202.5**, as last amended by Laws of Utah 2023, Chapter 107



28 **20A-7-211**, as last amended by Laws of Utah 2023, Chapter 107



30 *Be it enacted by the Legislature of the state of Utah:*

31 Section 1. Section **20A-1-303** is amended to read:

32 **20A-1-303. Determining results.**

33 (1) (a) Except as provided in [~~Title 20A, Chapter 4, Part 6, Municipal Alternate Voting~~  
34 ~~Methods Pilot Project~~] Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project,  
35 when one person is to be elected or nominated, the person receiving the highest number of  
36 votes at any:

37 (i) election for any office to be filled at that election is elected to that office; and

38 (ii) primary for nomination for any office is nominated for that office.

39 (b) Except as provided in [~~Title 20A, Chapter 4, Part 6, Municipal Alternate Voting~~  
40 ~~Methods Pilot Project~~] Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project,  
41 when more than one person is to be elected or nominated, the persons receiving the highest  
42 number of votes at any:

43 (i) election for any office to filled at that election are elected to that office; and

44 (ii) primary for nomination for any office are nominated for that office.

45 (2) [~~Any~~] Except as provided in Subsection (3), a ballot proposition submitted to voters  
46 for [~~their~~] approval or rejection:

47 (a) passes if the number of "yes" votes is greater than the number of "no" votes; and

48 (b) fails if:

49 (i) the number of "yes" votes equal the number of "no" votes; or

50 (ii) the number of "no" votes is greater than the number of "yes" votes.

51 (3) A statewide initiative submitted to voters for approval or rejection that would  
52 impose a new tax or increase a tax rate:

53 (a) passes if the number of "yes" votes is greater than 60% of the total votes cast for or  
54 against the initiative; and

55 (b) fails if the number of "yes" votes is equal to or fewer than 60% of the total votes  
56 cast for or against the initiative.

57 Section 2. Section **20A-4-304** is amended to read:

58 **20A-4-304. Declaration of results -- Canvassers' report.**

- 59 ~~[(1) Each board of canvassers shall:]~~
- 60 (1) (a) ~~[except]~~ Except as provided in Part 6, Municipal Alternate Voting Methods
- 61 Pilot Project, a board of canvassers shall declare "elected" or "nominated" those persons who:
- 62 (i) had the highest number of votes; and
- 63 (ii) sought election or nomination to an office completely within the board's
- 64 jurisdiction[;].
- 65 (b) Except as provided in Subsection (1)(c), a board of canvassers shall declare:
- 66 (i) "approved" ~~[those ballot propositions]~~ a ballot proposition that:
- 67 (A) ~~[had]~~ receives more "yes" votes than "no" votes; and
- 68 (B) ~~[were]~~ was submitted only to the voters within the board's jurisdiction; or
- 69 (ii) "rejected" ~~[those ballot propositions]~~ a ballot proposition that:
- 70 (A) ~~[had]~~ receives more "no" votes than "yes" votes or an equal number of "no" votes
- 71 and "yes" votes; and
- 72 (B) ~~[were]~~ was submitted only to the voters within the board's jurisdiction[;].
- 73 (c) For a statewide initiative that would impose a new tax or increase a tax rate, the
- 74 state board of canvassers shall declare the initiative:
- 75 (i) "approved" if the number of "yes" votes is greater than 60% of the total votes cast
- 76 for or against the initiative; or
- 77 (ii) "rejected" if the number of "yes" votes is equal to or fewer than 60% of the total
- 78 votes cast for or against the initiative.
- 79 ~~[(c)]~~ (d) A board of canvassers shall:
- 80 (i) certify the vote totals for persons and for and against ballot propositions that were
- 81 submitted to voters within and beyond the board's jurisdiction and transmit those vote totals to
- 82 the lieutenant governor; and
- 83 ~~[(d)]~~ (ii) if applicable, certify the results of each special district election to the special
- 84 district clerk.
- 85 (2) The election officer shall submit a report to the board of canvassers that includes
- 86 the following information:
- 87 (a) the total number of votes cast in the board's jurisdiction;
- 88 (b) the names of each candidate whose name appeared on the ballot;
- 89 (c) the title of each ballot proposition that appeared on the ballot;

- 90 (d) each office that appeared on the ballot;
- 91 (e) from each voting precinct:
- 92 (i) the number of votes for each candidate;
- 93 (ii) for each race conducted by instant runoff voting under Part 6, Municipal Alternate
- 94 Voting Methods Pilot Project, the number of valid votes cast for each candidate for each
- 95 potential ballot-counting phase and the name of the candidate excluded in each ballot-counting
- 96 phase; and
- 97 (iii) the number of votes for and against each ballot proposition;
- 98 (f) the total number of votes given in the board's jurisdiction to each candidate, and for
- 99 and against each ballot proposition;
- 100 (g) standardized statistics, on a form provided by the lieutenant governor, disclosing:
- 101 (i) the number of ballots counted;
- 102 (ii) provisional ballots; and
- 103 (iii) the number of ballots rejected;
- 104 (h) a final ballot reconciliation report;
- 105 (i) other information required by law to be provided to the board of canvassers; and
- 106 (j) a statement certifying that the information contained in the report is accurate.
- 107 (3) The election officer and the board of canvassers shall:
- 108 (a) review the report to ensure that the report is correct; and
- 109 (b) sign the report.
- 110 (4) The election officer shall:
- 111 (a) record or file the certified report in a book kept for that purpose;
- 112 (b) prepare and transmit a certificate of nomination or election under the officer's seal
- 113 to each nominated or elected candidate;
- 114 (c) publish a copy of the certified report in accordance with Subsection (5); and
- 115 (d) file a copy of the certified report with the lieutenant governor.
- 116 (5) Except as provided in Subsection (6), the election officer shall, no later than seven
- 117 days after the day on which the board of canvassers declares the election results, publicize the
- 118 certified report described in Subsection (2) for the jurisdiction, as a class A notice under
- 119 Section [63G-30-102](#), for at least seven days.
- 120 (6) Instead of including a copy of the entire certified report, a notice required under

121 Subsection (5) may contain a statement that:

122 (a) includes the following: "The Board of Canvassers for [indicate name of  
123 jurisdiction] has prepared a report of the election results for the [indicate type and date of  
124 election]."; and

125 (b) specifies the following sources where an individual may view or obtain a copy of  
126 the entire certified report:

127 (i) if the jurisdiction has a website, the jurisdiction's website;

128 (ii) the physical address for the jurisdiction; and

129 (iii) a mailing address and telephone number.

130 (7) When there has been a regular general or a statewide special election for statewide  
131 officers, for officers that appear on the ballot in more than one county, or for a statewide or two  
132 or more county ballot proposition, each board of canvassers shall:

133 (a) prepare a separate report detailing the number of votes for each candidate and the  
134 number of votes for and against each ballot proposition; and

135 (b) transmit the separate report by registered mail to the lieutenant governor.

136 (8) In each county election, municipal election, school election, special district  
137 election, and local special election, the election officer shall transmit the reports to the  
138 lieutenant governor within 14 days after the date of the election.

139 (9) In a regular primary election and in a presidential primary election, the board shall  
140 transmit to the lieutenant governor:

141 (a) the county totals for multi-county races, to be telephoned or faxed to the lieutenant  
142 governor not later than the second Tuesday after the election; and

143 (b) a complete tabulation showing voting totals for all primary races, precinct by  
144 precinct, to be mailed to the lieutenant governor on or before the third Friday following the  
145 primary election.

146 Section 3. Section **20A-7-202** is amended to read:

147 **20A-7-202. Statewide initiative process -- Initiative application procedures --**  
148 **Time to gather signatures -- Grounds for rejection.**

149 (1) Individuals wishing to circulate an initiative petition shall file an initiative  
150 application with the lieutenant governor.

151 (2) The initiative application shall include:

- 152 (a) the name and residence address of at least five sponsors of the initiative petition;
- 153 (b) a statement indicating that each of the sponsors is registered to vote in Utah;
- 154 (c) a statement indicating whether the initiative will be presented to:
- 155 (i) the Legislature under Subsection 20A-7-201(1); or
- 156 (ii) a vote of the people under Subsection 20A-7-201(2);
- 157 (d) the signature of each of the sponsors, attested to by a notary public;
- 158 (e) a copy of the proposed law that includes, in the following order:
- 159 (i) the title of the proposed law, that clearly expresses the subject of the law;
- 160 (ii) a description of the manner in which the proposed law will be funded, including:
- 161 (A) all proposed sources of funding for the costs associated with the proposed law,
- 162 including the proposed percentage of total funding from each source; [and]
- 163 (B) if the proposed law will be funded, in whole or in part, by a new tax, a description
- 164 of the new tax and the tax rate;
- 165 ~~[(iii) the text of the proposed law;]~~
- 166 ~~[(f)] (C) if the [initiative proposes] proposed law will be funded, in whole or in part, by~~
- 167 ~~a tax increase, the following statement for each tax increase, "This initiative seeks to increase~~
- 168 ~~the current (insert name of tax) rate by (insert the tax percentage difference) percent, resulting~~
- 169 ~~in a(n) (insert the tax percentage increase) percent increase in the current tax rate."; [and]~~
- 170 (D) if the proposed law will be funded, in whole or in part, from new revenues, a
- 171 description of the amount and source of the new revenues; and
- 172 (E) if the proposed law will be funded, in whole or in part, from existing revenues, a
- 173 description of the existing line items or programs that will receive less funding in order to fund
- 174 the proposed law and the amount by which the funding will be reduced; and
- 175 ~~[(g)] (f) a statement indicating whether persons gathering signatures for the initiative~~
- 176 ~~petition may be paid for gathering signatures.~~
- 177 (3) (a) An individual's status as a resident, under Subsection (2), is determined in
- 178 accordance with Section 20A-2-105.
- 179 (b) The initiative application and the initiative application's contents are public when
- 180 filed with the lieutenant governor.
- 181 (4) If the initiative petition fails to qualify for the ballot of the election described in
- 182 Subsection 20A-7-201(2)(b), the sponsors shall:

- 183 (a) submit a new initiative application;  
 184 (b) obtain new signature sheets; and  
 185 (c) collect signatures again.

186 (5) The lieutenant governor shall reject an initiative application or an initiative  
 187 application addendum filed under Subsection 20A-7-204.1(5) and not issue signature sheets if:

- 188 (a) the proposed law:  
 189 (i) is [~~patently~~] unconstitutional;  
 190 (ii) is nonsensical;  
 191 (iii) could not become law if passed;  
 192 (iv) contains more than one subject as evaluated in accordance with Subsection (6); or  
 193 (v) is identical or substantially similar to a law proposed by an initiative for which

194 signatures were submitted to the county clerks and lieutenant governor for certification within  
 195 two years preceding the date on which the initiative application for the new initiative is filed;  
 196 [~~or~~]

197 (b) the subject of the proposed law is not clearly expressed in the law's title[-]; or

198 (c) the funding description, described in Subsection (2)(e):

199 (i) does not comply with the requirements of Subsection (2)(e); or

200 (ii) is unlikely to provide adequate funding for the proposed law.

201 (6) To evaluate whether the proposed law contains more than one subject under  
 202 Subsection (5)(a)(iv), the lieutenant governor shall apply the same standard provided in Utah  
 203 Constitution, Article VI, Section 22, which prohibits a bill from passing that contains more  
 204 than one subject.

205 Section 4. Section 20A-7-202.5 is amended to read:

206 **20A-7-202.5. Initial fiscal impact statement -- Preparation of statement --**

207 **Challenge to statement.**

208 (1) Within three working days after the day on which the lieutenant governor receives  
 209 an initiative application, the lieutenant governor shall submit a copy of the initiative application  
 210 to the Office of the Legislative Fiscal Analyst.

211 (2) (a) The Office of the Legislative Fiscal Analyst shall prepare an unbiased, good  
 212 faith initial fiscal impact statement for the proposed law, not exceeding 100 words plus 100  
 213 words per revenue source created or impacted by the proposed law, that contains:

214 (i) a description of the total estimated fiscal impact of the proposed law over the time  
215 period or time periods determined by the Office of the Legislative Fiscal Analyst to be most  
216 useful in understanding the estimated fiscal impact of the proposed law;

217 (ii) if the proposed law would increase taxes, decrease taxes, or impose a new tax, a  
218 dollar amount representing the total estimated increase or decrease for each type of tax affected  
219 under the proposed law, a dollar amount showing the estimated amount of a new tax, and a  
220 dollar amount representing the total estimated increase or decrease in taxes under the proposed  
221 law;

222 (iii) if the proposed law would increase a particular tax or tax rate, the tax percentage  
223 difference and the tax percentage increase for each tax or tax rate increased;

224 (iv) if the proposed law will be funded, in whole or in part, from new revenues, a  
225 description of the amount and source of the new revenues;

226 (v) if the proposed law will be funded, in whole or in part, from existing revenues, a  
227 description of:

228 (A) the existing line items or programs that will receive less funding in order to fund  
229 the proposed law and the amount by which the funding will be reduced; and

230 (B) the likely impact of the reduction in funding described in Subsection (2)(a)(v)(A);

231 [~~(iv)~~] (vi) if the proposed law would result in the issuance or a change in the status of  
232 bonds, notes, or other debt instruments, a dollar amount representing the total estimated  
233 increase or decrease in public debt under the proposed law;

234 [~~(v)~~] (vii) a dollar amount representing the estimated cost or savings, if any, to state or  
235 local government entities under the proposed law;

236 [~~(vi)~~] (viii) if the proposed law would increase costs to state government, a listing of all  
237 sources of funding for the estimated costs; and

238 [~~(vii)~~] (ix) a concise description and analysis titled "Funding Source," not to exceed  
239 100 words for each funding source, of the funding source information described in Subsection  
240 20A-7-202(2)(e)(ii).

241 (b) If the proposed law is estimated to have no fiscal impact, the Office of the  
242 Legislative Fiscal Analyst shall include a summary statement in the initial fiscal impact  
243 statement in substantially the following form:

244 "The Office of the Legislative Fiscal Analyst estimates that the law proposed by this



245 initiative would have no significant fiscal impact and would not result in either an increase or  
246 decrease in taxes or debt."

247 (3) Within 25 calendar days after the day on which the lieutenant governor delivers a  
248 copy of the initiative application, the Office of the Legislative Fiscal Analyst shall:

249 (a) deliver a copy of the initial fiscal impact statement to the lieutenant governor's  
250 office; and

251 (b) mail a copy of the initial fiscal impact statement to the first five sponsors named in  
252 the initiative application.

253 (4) (a) (i) Three or more of the sponsors of the initiative petition may, within 20  
254 calendar days after the day on which the Office of the Legislative Fiscal Analyst delivers the  
255 initial fiscal impact statement to the lieutenant governor's office, file a petition with the  
256 appropriate court, alleging that the initial fiscal impact statement, taken as a whole, is an  
257 inaccurate estimate of the fiscal impact of the initiative.

258 (ii) After receipt of the appeal, the court shall direct the lieutenant governor to send  
259 notice of the petition filed with the court to:

260 (A) any person or group that has filed an argument with the lieutenant governor's office  
261 for or against the initiative that is the subject of the challenge; and

262 (B) any political issues committee established under Section [20A-11-801](#) that has filed  
263 written or electronic notice with the lieutenant governor that identifies the name, mailing or  
264 email address, and telephone number of the person designated to receive notice about any  
265 issues relating to the initiative.

266 (b) (i) There is a presumption that the initial fiscal impact statement prepared by the  
267 Office of the Legislative Fiscal Analyst is based upon reasonable assumptions, uses reasonable  
268 data, and applies accepted analytical methods to present the estimated fiscal impact of the  
269 initiative.

270 (ii) The court may not revise the contents of, or direct the revision of, the initial fiscal  
271 impact statement unless the plaintiffs rebut the presumption by clear and convincing evidence  
272 that establishes that the initial fiscal impact statement, taken as a whole, is an inaccurate  
273 statement of the estimated fiscal impact of the initiative.

274 (iii) The court may refer an issue related to the initial fiscal impact statement to a  
275 master to examine the issue and make a report in accordance with Utah Rules of Civil

276 Procedure, Rule 53.

277 (c) The court shall certify to the lieutenant governor a fiscal impact statement for the  
278 initiative that meets the requirements of this section.

279 Section 5. Section **20A-7-211** is amended to read:

280 **20A-7-211. Return and canvass -- Conflicting measures -- Law effective on**  
281 **proclamation.**

282 (1) The votes on the law proposed by the initiative petition shall be counted,  
283 canvassed, and delivered as provided in [~~Title 20A, Chapter 4, Part 3, Canvassing Returns~~]  
284 Chapter 4, Part 3, Canvassing Returns.

285 (2) After the state board of canvassers completes the canvass, the lieutenant governor  
286 shall certify to the governor the vote for and against the law proposed by the initiative petition.

287 (3) (a) The governor shall immediately issue a proclamation that:

288 (i) gives the total number of votes cast in the state for and against each law proposed by  
289 an initiative petition; and

290 (ii) (A) except as provided in Subsection (3)(a)(ii)(B), declares [those laws] a law  
291 proposed by an initiative petition that [are] is approved by majority vote to be in full force and  
292 effect on the date described in Subsection 20A-7-212(2)[-]; or

293 (B) for a law proposed by an initiative petition that would impose a new tax or increase  
294 a tax rate, declares that law to be in full force and effect on the date described in Subsection  
295 20A-7-212(2), if the initiative is approved by more than 60% of the total votes cast for or  
296 against the initiative.

297 (b) When the governor believes that two proposed laws, or that parts of two proposed  
298 laws approved by the people at the same election are entirely in conflict, the governor shall  
299 proclaim as law the initiative that receives the greatest number of affirmative votes, regardless  
300 of the difference in the majorities which those initiatives receive.

301 (c) Within 10 days after the day of the governor's proclamation, any qualified voter  
302 who signed the initiative petition proposing the law that is declared by the governor to be  
303 superseded by another initiative approved at the same election may bring an action in the  
304 appropriate court to review the governor's decision.

305 (4) Within 10 days after the day on which the court issues an order in an action  
306 described in Subsection (3)(c), the governor shall:

307 (a) proclaim as law all initiatives approved by the people that the court determines are  
308 not entirely in conflict; and

309 (b) of the initiatives approved by the people that the court determines to be entirely in  
310 conflict, proclaim as law, regardless of the difference in majorities, the law that receives the  
311 greatest number of affirmative votes, to be in full force and effect on the date described in  
312 Subsection [20A-7-212\(2\)](#).

313 Section 6. **Effective date.**

314 (1) Except as provided in Subsection (2), this bill takes effect on May 1, 2024.

315 (2) The actions effecting the following sections take effect January 1, 2025, if the  
316 amendment to the Utah Constitution proposed by H.J.R 14, Proposal to Amend Utah  
317 Constitution - Statewide Initiatives, 2024 General Session, passes the Legislature and is  
318 approved by a majority of those voting on it at the next regular general election:

319 (a) Section [20A-1-303](#);

320 (b) Section [20A-4-304](#); and

321 (c) Section [20A-7-211](#).